

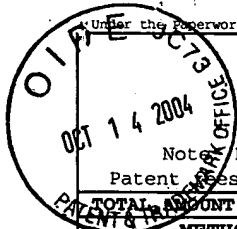
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PTO/SB/17 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

Note: Effective November 10, 1998.

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$180.00)

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: 05-0840
- Deposit Account Name: Eli Lilly and Company
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance
2. ☐ Payment Enclosed:
- ☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	790	201	395	Utility filing fee	
106	350	206	175	Design filing fee	
107	550	207	275	Plant filing fee	
108	790	208	395	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$0.00)

2. CLAIMS

Total Claims	Extr a	Fee from below	Fee Paid
Independent Claims	-20**	18	
Multiple Dependent Claims (first time)	-3**	88	
		300	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	88	202	44	Independent claims in excess of 3
104	300	204	150	Multiple dependent claim
109	88	209	44	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

**or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	10/811,260
Filing Date	March 26, 2004
First Named Inventor	Arbuthnot
Group Art Unit	1625
Examiner Name	C. Chang
Attorney Docket Number	X10443F

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge-late filing fee or oath.	
127	50	227	25	Surcharge-late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	430	216	215	Extension for reply within second month	
117	980	217	490	Extension for reply within third month	
118	1,530	218	765	Extension for reply within fourth month	
128	2,080	228	1,040	Extension for reply within fifth month	
119	340	219	170	Notice of Appeal	
120	340	220	170	Filing a brief in support of an appeal	
121	300	221	150	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive-unavoidable	
141	1,370	241	685	Petition to revive-unintentional	
142	1,370	242	685	Utility issue fee (or reissue)	
143	490	243	245	Design Issue Fee	
144	660	244	330	Plant Issue Fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt.	180
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))	
149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	
179	790	279	395	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimer 1.321

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

SUBMITTED BY

Typed Name: Gilbert T. Voy

Signature: *G.T. Voy*

Complete (if applicable)

Reg. Number: 43,972

Date: October 6, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

ELI LILLY AND COMPANY

By

Date



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ELI LILLY AND COMPANY

By

KSRhoades

Date

10-12-04

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Arbuthnot, <i>et al.</i>)	
)	
Serial Number	:	10/811,260)	
)	
Filed:	:	March 26, 2004)	Group Art Unit:
)	1625
For	:	BENZOTHIOPHENES, FORMULATIONS)	
		CONTAINING SAME, AND METHODS)	Examiner:
)	C. Chang
Docket No.	:	X-10443F)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the patents, publications and/or other information listed on the attached PTO Form 1449 (modified). Copies of cited items are enclosed in accordance with 37 C.F.R. § 1.98. Applicants note that the two applications in the chain of priority for the present application have matured into U.S. patents (U.S. Patent No.'s 6,458,811 and 6,797,719) that are the subject of pending district court litigation. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

10/15/2004 JADD01 00000001 050840 10811260

01 FC:1806 180.00 DA

Since this Statement is being filed after the period specified in §1.97(b), but before the mailing date of a final action or a notice of allowance, please charge the amount of \$180.00, the fee under 37 C.F.R. 1.17(p), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840.

Applicants request consideration of this information.

Respectfully submitted,



Gilbert T. Voy
Attorney for Applicant
Registration No. 43,972
Phone: 317-276-2966

Eli Lilly and Company
Patent Division/GTV
Lilly Corporate Center
Indianapolis, Indiana 46285

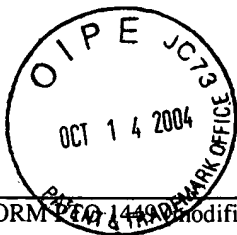
October 6, 2004



Sheet 1 of 2

FORM PTO 440 (modified) INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Atty. Docket No. X10443F	Serial No 10/811,260
	Applicants Arbuthnot, et al.	
	Filing Date March 26, 2004	Group 1625

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ - Kind Code ⁵ (if known)				
	BG	CA 2,158,399				
	BH	GB 2,097,788				
	BC					
	BD					
	BE					
	BF					
	BG					
	BH					
	BI					
	BJ					
	BK					
	BL					
	BM					
	BN					
	BO					
	BP					
	BQ					
	BR					



FORM PTO 1449 (modified) INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Atty. Docket No. X10443F	Serial No 10/811,260
	Applicants Arbuthnot, et al.	
	Filing Date March 26, 2004	Group 1625

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher, city and/or country where published.	T ⁶
	CG	Pharmaceutics: The Science of Dosage Form Design, Churchill Livingston, New York, NY, Chapters 1 and 13, (1988).	
	CH	Remington's Pharmaceutical Sciences, 18 th Ed., Mack Publishing Company, Eaton, PA, Chapters 19, 31 and 89, (1990).	
	CI	Barr Laboratories, Inc. October 1, 2004 Paragraph IV Certification Letter to Eli Lilly & Company Re: U.S. Patent No. 6,797,719	
	CD		
	CE		
	CF		
	CG		
	CH		
	CI		
	CJ		
	CK		
	CL		
	CM		
	CN		
Examiner Signature			Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. Burden Hours Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.